



Water Quality NewsFlash

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ASBS – State Board and environmental groups urge action – In the 1970s, the State Water Resources Control Board (SWRCB) designated 34 *Areas of Special Biological Significance* (ASBS) along the California coast. ASBS are defined in the California Ocean Plan as marine areas which require “protection of species or biological communities to the extent that alteration of natural water quality is undesirable.” Some ASBS are small, constituting only a few acres, while others extend for miles along the coast. The Ocean Plan bans discharges of wastes to ASBS. Stormwater runoff from municipal and other human-impacted land uses (e.g. residential, transportation, agricultural) contains “wastes” as defined by the SWRCB for purposes of the NPDES permitting program. Early guidance issued by the SWRCB indicated that stormwater was not included in the ban; however, later changes to the Ocean Plan appear to indicate that the SWRCB’s intent is to ban all discharges. Nevertheless, this provision has not been generally enforced. A SWRCB survey found 1,658 direct discharges, mostly stormwater, into ASBS.

The general issue of ASBS discharges was raised when the Scripps Institution of Oceanography submitted a request in 2002 for an exception to the Ocean Plan in order to continue their discharge into the San Diego Marine Life Refuge, which is an ASBS. Scripps has been operating with an NPDES permit which is currently being revised to include this exception. The November draft permit and associated documents are posted: <http://www.swrcb.ca.gov/rwqcb9/rb9board/Nov-04.html> (see item #8). Several permit issues are unresolved and a new revision may be brought before the Regional Board in February.

The SWRCB sent a letter to Caltrans on October 19, 2004, requesting that Caltrans either cease discharge to ASBS along the coast or request an exception. Similar letters were sent to 28 other coastal dischargers, mostly shoreline cities. Additionally, a consortium of eight environmental groups, including the Ocean Conservancy and the Surfrider Foundation, sent a letter on October 20 to the six Regional Boards with jurisdiction along the coast. The letter urges the Regional Boards to “immediately take action to enforce the Ocean Plan’s prohibition against discharge into [ASBS]” by requiring the dischargers to eliminate their discharge, or apply for an exception. The letter also stated that any exception granted must ensure that the “permitted discharges are consistent with natural water quality, not Ocean Plan water quality objectives.” This means that permittees would not be allowed to assess their compliance using Ocean Plan Table B (which applies to most dischargers) but rather must comply with Table C. Table C identifies background concentrations for potential pollutants; these are set at zero for all but six constituents.

Ocean Plan amendments proposed in a SWRCB scoping meeting in January 2004 included one that would allow stormwater discharges to ASBS with special conditions. Caltrans and others have supported amendments which would allow these discharges with special conditions. However, the SWRCB is not proceeding with this proposed amendment; no supporting reasons for this decision have been provided. ASBS documents including pictures of each ASBS can be found at: <http://www.waterboards.ca.gov/plnspols/oplans/asbs.html>

Happy Holidays from all of us at the NewsFlash!

WQ NewsFlash is a weekly update of storm water and related news for the Department. *Verify information before taking action on these bulletins.* Contact Betty Sanchez, Betty_Sanchez@dot.ca.gov (916) 653-2115, or Fred Krieger, (510) 843-7889, fkrieger@msn.com with questions or to be added or deleted from e-mail list. Posted online at: <http://www.dot.ca.gov/hq/env/stormwater/publicat/newsflash/index.htm>